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3 BILL NO. R-79-11- 46

*Resolution No. R-80-79.*

4 A RESOLUTION amending Article II, Chapter 2  
5 of the Code of the City of Fort Wayne, Indiana  
6 of 1974 (Rules of the Common Council) by  
7 adding thereto a new Division 6. "Procedure  
8 for designating an urban development area  
9 pursuant to I.C. 6-1.1-12.1-2".

10 WHEREAS, Chapter 12.1 et seq. as added to I.C. 6-1.1 by P.L.  
11 69, Acts of 1977 of the General Assembly of the State of Indiana,  
12 authorizes certain deductions against local ad valorem real estate  
13 taxes for property located within an area which is duly designated  
14 an "urban development area" as defined in I.C. 6-1.1-12.1 (1);  
15 and,

16 WHEREAS, Section 6 of P.L. 56, Acts of 1979 amends I.C.  
17 6-1.1-12.1-2 so as to transfer from the Redevelopment Commission  
18 to the Common Council the authority to determine that a parti-  
19 cular area qualifies to be designated an "urban development  
20 area" as defined in I.C. 6-1.1-12.1-1(1) while retaining in  
21 the case of second class cities the provision that the procedure  
22 to be followed be the same as the procedures required of the  
23 Redevelopment Commission for designating blighted areas proposed  
24 for redevelopment under I.C. 18-7-7-12 and 15; and,

25 WHEREAS, the Common Council of the City of Fort Wayne,  
26 Indiana is mindful of the fact that it is not equipped or staffed  
27 to conduct the studies and collect, process, and produce the data  
28 and analyses or otherwise proceed in the fashion prescribed  
29 by I.C. 18-7-7-12 and 15; and,

30 WHEREAS, the foregoing can be accomplished by amending the  
31 Rules of this Council, as found in Article II, Chapter 2, of the  
32 1974 Code, to prescribe a workable procedure for dealing with  
33 the designation of "urban development areas" which fits the  
34 situation of this body, makes maximum practical use of the available  
35 assistance of the particularly qualified and experienced admin-  
istrative agency and keeps to the spirit of I.C. 6-1.1-12.1-1.

1 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
2 CITY OF FORT WAYNE, INDIANA:

3 SECTION 1. That Article II, Chapter 2 of the Code of the  
4 City of Fort Wayne, Indiana of 1974 is hereby amended by adding  
5 thereto a new Division 6, which shall be and read as follows,  
6 to-wit:

7 "Division 6. Procedure for designating an 'Urban Development  
8 Area' pursuant to I.C. 6-1.1-12.1-2."

9 (a) Whenever a property owner desires that the area in  
10 which his property is located be designated an "Urban Develop-  
11 ment Area" as defined in I.C. 6-1.1-12.1-1(1), he shall initiate  
12 the procedure as follows:

13 First, the property owner shall pay a filing fee to the  
14 City Clerk in the amount of fifty dollars (\$50.00) and obtain  
15 a receipt for same, except where the property is an owner occupied  
16 single family project as provided in IC 6-1.1-12.1-5(f);

17 Second, he shall file his petition for such designation  
18 with the City Clerk, with the City Controller's receipt for  
19 payment of such filing fee attached. The City Clerk shall  
20 furnish an appropriate form for such petition on request.

21 (b) Upon receipt of such petition and receipt, the  
22 City Clerk shall:

23 (1) Note the time and date of the filing thereof on  
24 the face of such petition and in a special book  
25 kept by him for such purpose;

26 (2) Forward the petition and receipt to the Law De-  
27 partment of the City with a request for the  
28 preparation and return to said Clerk of a  
29 bill for a Declaratory Resolution which designates  
30 the Urban Development Area petitioned for;

31 (3) Upon receipt from the Law Department of the  
32 Petition, Receipt and Bill for a Resolution,  
33 said Clerk shall include the same in the new  
34 business portion of the agenda of Common Council  
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12 which his property is located be designated an "Urban Develop-  
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14 the procedure as follows:

15 First, the property owner shall pay a filing fee to the  
16 City Clerk in the amount of fifty dollars (\$50.00) and obtain  
17 a receipt for same;

18 Second, he shall file his petition for such designation  
19 with the City Clerk, with the City Controller's receipt for  
20 payment of such filing fee attached. The City Clerk shall  
21 furnish an appropriate form for such petition on request.

22 (b) Upon receipt of such petition and receipt, the  
23 City Clerk shall:

24 (1) Note the time and date of the filing thereof on  
25 the face of such petition and in a special book  
26 kept by him for such purpose;

27 (2) Forward the petition and receipt to the Law De-  
28 partment of the City with a request for the  
29 preparation and return to said Clerk of a  
30 bill for a Declaratory Resolution which designates  
31 the Urban Development Area petitioned for;

32 (3) Upon receipt from the Law Department of the  
33 Petition, Receipt and Bill for a Resolution,  
34 said Clerk shall include the same in the new  
35 business portion of the agenda of Common Council

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2 at it's next regular meeting, thus:

- 3 (i) The petition shall constitute a communication  
4 under 1974 City Code Sec. 2-18(e) (6);  
5 (ii) The Bill for the Declaratory Resolution  
6 shall be processed the same as an ordi-  
7 nance under 1974 City Code Sec. 2-40.

- 8 (4) The City Clerk shall also establish and apply to  
9 such bills, Resolutions, and petitions, a system  
10 of numbering corresponding to that prescribed  
11 by 1974 City Code Sec. 2-31, using the prefix  
12 "D".

- 13 (c) Upon the introduction of the Petition and bill for  
14 Declaratory Resolution, they shall be referred to the Common  
15 Council's Committee on Finance and to the Redevelopment Com-  
16 mission for public hearing and recommendation.

- 17 (d) The Redevelopment Commission, upon receipt of a petition  
18 and Resolution as per the foregoing shall proceed as follows:

- 19 (1) Set the matter for public hearing at the  
20 next convenient opportunity;  
21 (2) Publish notice once a week for two (2) conse-  
22 cutive weeks in a local newspaper of general  
23 circulation of the date, time and place and  
24 subject matter of such hearing;  
25 (3) Conduct a public hearing pursuant to such notice,  
26 on the question of whether such Resolution should  
27 be adopted, and what its recommendation to the  
28 Common Council should be in such regard.  
29 (4) At such hearing receive, hear and consider all  
30 objections to and remonstrances against passage  
31 of such Resolution by the Common Council, as well  
32 as the evidence and arguments submitted by the  
33 Petitioner and any who support him, both oral and  
34 in writing;  
35 (5) Cause its staff to prepare or obtain appropriate maps,  
plats, property lists, appraisals, assessed valuations,

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2 analyses and other material and data pertinent  
3 to or useful in determining whether granting  
4 the petition will be of public utility and benefit  
5 as required by state law (I.C. 18-7-7-12).


6 (6) Arrive at a conclusion as to the public utility and  
7 benefit of the petitioned proposal, or the lack  
8 thereof.

9 (e)(1) The Redevelopment Commission may recommend amend-  
10 ments, changes or modifications in the Declaratory Resolution  
11 and (2) shall take final, formal action upon the Resolution  
12 to return it to the Common Council with its written recommenda-  
13 tions as to any such modifications and as to whether the  
14 Resolution should be finally confirmed by Common Council. This  
15 may be put in the form of a recommendation that the bill  
16 for Resolution "Do Pass or Do Not Pass". The Redevelopment  
17 Commission's action in such regard shall be in the form of a  
18 formal resolution adopted by it in open meeting by a favorable  
19 vote of at least a majority of its members present and voting,  
20 and shall contain, in summary form, its reasons for its recom-  
21 mendation, including any recommendation that the Declaratory  
22 Resolution be amended, changed, or modified, in any way.

23 (f) Upon receipt from the Redevelopment Commission of  
24 its report and recommendation by the Common Council, such  
25 report shall be included in the communications to the Council  
26 and the Declaratory Resolution shall be a part of the current  
27 business of the Council's Committee on Finance. Such report  
28 shall be considered by the Council's Committee on Finance  
29 at the earliest convenient date and shall be treated by such  
30 Committee in the same manner as any other Bill. If reported  
31 out favorably by the Committee on Finance, the Declaratory  
32 Resolution shall be placed upon its passage. If then passed  
33 according to the rules of said Common Council, the same shall  
34 constitute final confirming action by the Common Council deter-  
35 mining the public utility and benefit of the Urban Development

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2 Area proposed by the Declaratory Resolution; provided, however  
3 if the Common Council amends the resolution then it may be  
4 returned to the Redevelopment Commission with a written  
5 statement of the reasons for its amendment.

6 SECTION 2. That this Resolution shall be effective upon  
7 passage and approval by the Mayor.

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10 Councilman

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28 Approved as to form and legality  
29 this 21st day of November, 1979.

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31 John H. Logan, Attorney for Common Council

Read the first time in full and on motion by V. Schmidt, seconded by

Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-27-79

Charles W. Westerman, Jr.  
CITY CLERK

Read the third time in full and on motion by V. Schmidt,

seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	<u>✓</u>	_____
<u>MOSES</u>	_____	_____	_____	<u>✓</u>	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-11-79

Charles W. Westerman, Jr.  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. B-80-99 on the 11<sup>th</sup> day of December, 1979.

ATTEST: (SEAL)

Charles W. Westerman, Jr.  
CITY CLERK

James Schlotter  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12<sup>th</sup> day of December, 1979, at the hour of 2:30 o'clock P. M., E.S.T.

Charles W. Westerman, Jr.  
CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of December, 1979, at the hour of 10 o'clock A. M., E.S.T.

Robert Elmschlag  
MAYOR

Bill No. R-79-11-46

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

A RESOLUTION amending Article II, Chapter 2 of the Code of the  
City of Fort Wayne, Indiana of 1974 (Rules of the Common Council)  
by adding thereto a new Division 6. "Procedure for designating  
an urban development area pursuant to I.C. 6-1.1-12.1-2."

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WILLIAM T. HINGA - VICE CHAIRMAN

JAMES S. STIER

JOHN NUCKOLS

DONALD J. SCHMIDT

*Vivian G. Schmidt*

*William T. Hinga*

*James S. Stier*  
*John Nuckols*  
*Donald J. Schmidt*

12-11-79  
CONCURRED IN  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK